

**Proposed Substitute  
Bill No. 6889**

LCO No. 6391

**AN ACT CONCERNING JUVENILE MATTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subdivision (3) of section 46b-120 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective October*  
3       *1, 2023*):

4       (3) "Family with service needs" means a family that includes a child  
5       who is at least seven years of age and is under eighteen years of age who  
6       [, according to a petition lawfully filed on or before June 30, 2020,] (A)  
7       has without just cause run away from the parental home or other  
8       properly authorized and lawful place of abode, (B) is beyond the control  
9       of the child's parent, parents, guardian or other custodian, (C) has  
10      engaged in indecent or immoral conduct, [or] (D) is a truant or habitual  
11      truant or who, while in school, has been continuously and overtly  
12      defiant of school rules and regulations, or (E) is thirteen years of age or  
13      older and has engaged in sexual intercourse with another person and  
14      such other person is thirteen years of age or older and not more than  
15      two years older or younger than such child;

16      Sec. 2. Section 46b-149 of the general statutes is repealed and the  
17      following is substituted in lieu thereof (*Effective October 1, 2023*):

18      (a) [The provisions of this section in effect on June 30, 2020, revision  
19      of 1958, revised to January 1, 2019, shall be applicable to any petition  
20      filed in accordance with such provisions on or before June 30, 2020.] Any  
21      selectman, town manager, police officer or welfare department of any

22 town, city or borough, any probation officer or superintendent of  
23 schools, the Commissioner of Children and Families, any child-caring  
24 institution or agency approved or licensed by the Commissioner of  
25 Children and Families, any youth service bureau, a parent or foster  
26 parent of a child, or a child or the child's representative or attorney, who  
27 believes that the acts or omissions of a child are such that the child is  
28 from a family with service needs, may file a written complaint setting  
29 forth those facts with the Superior Court that has venue over the matter.

30 (b) The court shall refer a complaint filed under subsection (a) of this  
31 section to a probation officer, who shall promptly determine whether it  
32 appears that the alleged facts, if true, would be sufficient to meet the  
33 definition of a family with service needs, provided a complaint alleging  
34 that a child is a truant or habitual truant shall not be determined to be  
35 insufficient to meet the definition of a family with service needs solely  
36 because it was filed during the months of April, May or June. If such  
37 probation officer so determines, the probation officer shall, after an  
38 initial assessment, promptly refer the child and the child's family to a  
39 suitable community-based program or other service provider, or to a  
40 family support center as provided in section 46b-149e, for voluntary  
41 services. If the child and the child's family are referred to a community-  
42 based program or other service provider and the person in charge of  
43 such program or provider determines that the child and the child's  
44 family can no longer benefit from its services, such person shall inform  
45 the probation officer, who shall, after an appropriate assessment, either  
46 refer the child and the child's family to a family support center for  
47 additional services or determine whether or not to file a petition with  
48 the court under subsection (c) of this section. If the child and the child's  
49 family are referred to a family support center and the person in charge  
50 of the family support center determines that the child and the child's  
51 family can no longer benefit from its services, such person shall inform  
52 the probation officer, who may file a petition with the court in the  
53 manner prescribed in subsection (c) of this section. The probation officer  
54 shall inform the complainant in writing of the probation officer's action  
55 under this subsection. If it appears that the allegations are not true, or

56 that the child's family does not meet the definition of a family with  
57 service needs, the probation officer shall inform the complainant in  
58 writing of such finding.

59 [(b)] (c) A petition alleging that a child is from a family with service  
60 needs shall be verified and filed with the Superior Court which has  
61 venue over the matter. The petition shall set forth plainly: (1) The facts  
62 which bring the child within the jurisdiction of the court; (2) the name,  
63 date of birth, sex and residence of the child; (3) the name and residence  
64 of the child's parent or parents, guardian or other person having control  
65 of the child; and (4) a prayer for appropriate action by the court in  
66 conformity with the provisions of this section.

67 [(c)] (d) When a petition is filed under subsection [(b)] (c) of this  
68 section, the court may issue a summons to the child and the child's  
69 parents, guardian or other person having control of the child to appear  
70 in court at a specified time and place. The summons shall be signed by  
71 a judge or by the clerk or assistant clerk of the court, and a copy of the  
72 petition shall be attached to it. Whenever it appears to the judge that  
73 orders addressed to an adult, as set forth in section 46b-121, are  
74 necessary for the welfare of such child, a similar summons shall be  
75 issued and served upon such adult if he or she is not already in court.  
76 Service of summons shall be made in accordance with section 46b-128.  
77 The court may punish for contempt, as provided in section 46b-121, any  
78 parent, guardian or other person so summoned who fails to appear in  
79 court at the time and place so specified. If a petition is filed under  
80 subsection (c) of this section alleging that a child is from a family with  
81 service needs because a child is a truant or habitual truant, the court may  
82 not dismiss such petition solely because it was filed during the months  
83 of April, May or June.

84 (e) When a petition is filed under subsection (c) of this section alleging  
85 that a child is from a family with service needs because such child has  
86 been habitually truant, the court shall order that the local or regional  
87 board of education for the town in which the child resides, or the private

88 school in the case of a child enrolled in a private school, shall cause an  
89 educational evaluation of such child to be performed if no such  
90 evaluation has been performed within the preceding year.

91     ~~[(d)]~~ (f) If it appears from the allegations of a petition or other sworn  
92 affirmations that there is: (1) A strong probability that the child may do  
93 something that is injurious to himself prior to court disposition; (2) a  
94 strong probability that the child will run away prior to the hearing; or  
95 (3) a need to hold the child for another jurisdiction, a judge may vest  
96 temporary custody of such child in some suitable person or agency. No  
97 nondelinquent juvenile runaway from another state may be held in a  
98 state-operated detention home in accordance with the provisions of  
99 section 46b-151h, the Interstate Compact for Juveniles. A hearing on  
100 temporary custody shall be held not later than ten days after the date on  
101 which a judge signs an order of temporary custody. Following such  
102 hearing, the judge may order that the child's temporary custody  
103 continue to be vested in some suitable person or agency. Any expenses  
104 of temporary custody shall be paid in the same manner as provided in  
105 subsection (b) of section 46b-129.

106     ~~[(e)]~~ (g) If a petition is filed under subsection ~~[(b)]~~ (c) of this section  
107 and it appears that the interests of the child or the family may be best  
108 served, prior to adjudication, by a referral to community-based or other  
109 services, the judge may permit the matter to be continued for a  
110 reasonable period of time not to exceed six months, which time period  
111 may be extended by an additional three months for cause. If it appears  
112 at the conclusion of the continuance that the matter has been  
113 satisfactorily resolved, the judge may dismiss the petition.

114     ~~[(f)]~~ (h) If the court finds, based on clear and convincing evidence,  
115 that a child is from a family with service needs, the court may, in  
116 addition to issuing any orders under section 46b-121: (1) Refer the child  
117 to the Department of Children and Families for any voluntary services  
118 provided by the department or, if the child is from a family with service  
119 needs solely as a result of a finding that the child is a truant or habitual

120 truant, to the authorities of the local or regional school district or private  
121 school for services provided by such school district or such school,  
122 which services may include summer school, or to community agencies  
123 providing child and family services; (2) order the child to remain in the  
124 child's own home or in the custody of a relative or any other suitable  
125 person (A) subject to the supervision of a probation officer; or (B) in the  
126 case of a child who is from a family with service needs solely as a result  
127 of a finding that the child is a truant or habitual truant, subject to the  
128 supervision of a probation officer and the authorities of the local or  
129 regional school district or private school; (3) if the child is from a family  
130 with service needs as a result of the child engaging in sexual intercourse  
131 with another person and such other person is thirteen years of age or  
132 older and not more than two years older or younger than such child, (A)  
133 refer the child to a youth service bureau or other appropriate service  
134 agency for participation in a program such as a teen pregnancy program  
135 or a sexually transmitted disease program, and (B) require such child to  
136 perform community service such as service in a hospital, an AIDS  
137 prevention program or an obstetrical and gynecological program; or (4)  
138 upon a finding that there is no less restrictive alternative, commit the  
139 child to the care and custody of the Commissioner of Children and  
140 Families for an indefinite period not to exceed eighteen months. The  
141 child shall be entitled to representation by counsel and an evidentiary  
142 hearing. If the court issues any order which regulates future conduct of  
143 the child, parent or guardian, the child, parent or guardian shall receive  
144 adequate and fair warning of the consequences of violation of the order  
145 at the time it is issued, and such warning shall be provided to the child,  
146 parent or guardian, to his or her attorney and to his or her legal guardian  
147 in writing and shall be reflected in the court record and proceedings.

148     ~~[(g)]~~ (i) At any time during the period of supervision, after hearing  
149 and for good cause shown, the court may modify or enlarge the  
150 conditions, whether originally imposed by the court under this section  
151 or otherwise, as deemed appropriate by the court. The court shall cause  
152 a copy of any such orders to be delivered to the child and to such child's  
153 parent or guardian and probation officer.

154     ~~[(h)]~~ (j) (1) The Commissioner of Children and Families may file a  
155 motion for an extension of a commitment under this section on the  
156 grounds that an extension would be in the best interest of the child. The  
157 court shall give notice to the child and the child's parent or guardian at  
158 least fourteen days prior to the hearing upon such motion. The court  
159 may, after hearing and upon finding that such extension is in the best  
160 interest of the child and that there is no suitable less restrictive  
161 alternative, continue the commitment for an additional indefinite period  
162 of not more than eighteen months. (2) The Commissioner of Children  
163 and Families may at any time file a motion to discharge a child  
164 committed under this section, and any child committed to the  
165 commissioner under this section, or the parent or guardian of such child,  
166 may at any time but not more often than once every six months file a  
167 motion to revoke such commitment. The court shall notify the child, the  
168 child's parent or guardian and the commissioner of any motion filed  
169 under this subsection, and of the time when a hearing on such motion  
170 will be held. Any order of the court made under this subsection shall be  
171 deemed a final order for purposes of appeal, except that no bond shall  
172 be required and no costs shall be taxed on such appeal. (3) Not later than  
173 twelve months after a child is committed to the Commissioner of  
174 Children and Families in accordance with subdivision (4) of subsection  
175 ~~[(f)]~~ (h) of this section or section 46b-149f, the court shall hold a  
176 permanency hearing in accordance with subsection ~~[(i)]~~ (k) of this  
177 section. After the initial permanency hearing, subsequent permanency  
178 hearings shall be held at least once every twelve months while the child  
179 remains committed to the Commissioner of Children and Families.

180     ~~[(i)]~~ (k) At least sixty days prior to each permanency hearing required  
181 under subsection ~~[(h)]~~ (j) of this section, the Commissioner of Children  
182 and Families shall file a permanency plan with the court. At each  
183 permanency hearing, the court shall review and approve a permanency  
184 plan that is in the best interests of the child and takes into consideration  
185 the child's need for permanency. Such permanency plan may include  
186 the goal of: (1) Revocation of commitment and subsequent placement of  
187 the child with the parent or guardian, (2) transfer of guardianship, (3)

188 permanent placement with a relative, (4) adoption, or (5) any other  
189 planned permanent living arrangement ordered by the court, provided  
190 the Commissioner of Children and Families has documented a  
191 compelling reason why it would not be in the best interest of the child  
192 for the permanency plan to include the goals set forth in subdivisions  
193 (1) to (4), inclusive, of this subsection. Such other planned permanent  
194 living arrangement may include, but not be limited to, placement of the  
195 child in an independent living program. At any such permanency  
196 hearing, the court shall also determine whether the Commissioner of  
197 Children and Families has made reasonable efforts to achieve the goals  
198 in the permanency plan.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2023</i>	46b-120(3)
Sec. 2	<i>October 1, 2023</i>	46b-149